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December 5, 2017

Via CM/ECF

Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1610  
New York, NY 10007

Re: *Alpine Securities Corporation adv. United States Securities and Exchange Comm.*  
Civil No. 1:17-cv-04179-DLC-RLE

**JOINT LETTER MOTION REQUESTING REDACTION**  
**FROM OFFICIAL TRANSCRIPT NOVEMBER 2, 2017 CONFERENCE**

Dear Judge Cote:

This letter is being jointly filed by Plaintiff Securities and Exchange Commission (“SEC”) and Defendant Alpine Securities Corporation (“Alpine”) to request redactions from the Official Transcript from the Conference held on November 2, 2017, in accordance with the Court’s minute entry on November 21, 2017 (Dkt. No. 61). The subject transcript contains discussion regarding Suspicious Activity Reports (“SARs”), including information regarding individuals or entities which are the subjects of the SARs. The SARs discussed at the conference were filed with the Court under seal (Dkt. No. 53).

Good cause exists to redact any information indicating the existence of a SAR, or which could contain identifying information regarding the subject of a SAR, because of the strict confidentiality provisions applicable to SARs under the Bank Secrecy Act (“BSA”), 31 U.S.C. §§ 5311-5330, and its implementing regulations. Specifically, 31 U.S.C. § 5318(g)(2) of the BSA generally precludes both “financial institutions” and governmental entities from disclosing “to any person involved in the transaction that the transaction has been reported.” 31 U.S.C. § 5318(g)(2)(i)-(ii).

Additionally, 31 C.F.R. § 1023.320(e), addressing Reports by Brokers or Dealers of Suspicious Transactions, states that “[a] SAR, and any information that would reveal the existence of a SAR, are confidential . . . .” 31 C.F.R. § 1023.320. As a result, subject to certain

exceptions, “broker-dealers” are generally prohibited from “disclos[ing] a SAR or any information that would reveal the existence of a SAR.” *Id.* §1023.320(e)(1). Governmental authorities similarly “shall not disclose a SAR, or any information that would reveal the existence of a SAR except as necessary to fulfill official duties consistent with Title II of the Bank Secrecy Act.” *Id.* § 1023.320(e)(2). Based on these, and other strict confidentiality provisions in the BSA, courts have held that “‘SARs are confidential and subject to an unqualified discovery and evidentiary privilege that courts have held cannot be waived.’” *S.E.C. v. Yorkville Advisors, LLC*, 300 F.R.D. 152, 167 (S.D.N.Y. 2014) (further quotations omitted) (citations omitted).

Attached hereto as Exhibit A, is a copy of the November 2, 2017 Official Transcript with redactions in accordance with the confidentiality requirements of the BSA and its implementing regulations. The parties jointly request that the Court redact the subject transcript in accordance with Exhibit A.

Respectfully submitted,

/s/ Terry R. Miller

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cc: Counsel of Record (via CM/ECF)